

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS**

**JASON OWENS**

**V.**

**HOME DEPOT INTERNATIONAL,  
INC.**

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**CIVIL ACTION NO. 1:18-CV-00345**

**PLAINTIFF'S FIRST AMENDED PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Jason Owens ("Plaintiff") and files his First Amended Petition complaining of Home Depot U.S.A., Inc. ("Defendant"), and in support thereof would show as follows:

**Nature of the Case**

1. This is a civil action for personal injuries suffered by Plaintiff against Defendant. This action arises out of an incident that occurred on May 13, 2018 where Defendant did not provide Plaintiff with proper equipment to load a barbeque grill. The Defendant's negligence was a substantial factor in causing Plaintiff's injuries.

**Parties**

2. Plaintiff, Jason Owens, is an individual residing in Jefferson County, Texas.

3. Defendant, Home Depot U.S.A., Inc. is a domestic company who may be served by serving its attorney of record, Arthur K. Smith, LAW OFFICES OF ARTHUR K. SMITH, 507 Prestige Circle, Allen, Texas 75002.

**Venue and Jurisdiction**

4. Venue is proper in this district because the incident occurred in Orange County, which falls within the jurisdiction of this Court.

5. The Court has original jurisdiction over this action under 28 U.S.C. § 1332, in that the amount in controversy exceeds seventy-five thousand dollars and Plaintiff is a citizen of a state which is different from the states where Defendant are incorporated and have its principal place of business.

### **Factual Allegations**

6. On or about May 13, 2018, Plaintiff was shopping at Defendant's store located in Orange, Texas. Plaintiff purchased a barbeque pit. As Plaintiff was bringing the pit to his vehicle, he asked Defendant's manager if Defendant could load it for him. Defendant's manager said all employees were busy and could not help. Defendant's manager also said Defendant did not have any kind of machine that could help load the pit. As such, Defendant's manager suggested that he and Plaintiff load the pit. Another customer offered to help load the pit when he saw Defendant's manager and Plaintiff attempting to load it. While loading, the customer dropped his end of the pit. This cause Plaintiff's arm to bend backwards and rip his bicep muscle, which has caused Plaintiff to have surgery.

### **Negligence**

7. Defendant is liable for Plaintiff's injuries and damages because of numerous negligent acts and omissions; including, but not limited to, the following: (a) failure to properly load the barbeque pit; (b) failure to properly train employees on how to load a barbeque pit; (c) failure to provide employees with a machine that would load a barbeque pit; and (d) various other acts of negligence and negligence per se to be specified at the time of trial. Each of these acts and omissions, singularly, or in combination with others, constitutes negligence, which proximately caused the occurrence made the basis of this action and the Plaintiff's injuries and damages.

**Demand for Jury Trial**

8. Plaintiff hereby demands a jury trial as to all issues so triable as a matter of right, pursuant to F.R.C.P. 38(b)(1) and 38(c).

**Prayer for Relief**

9. WHEREFORE, Plaintiff demands upon Defendant:
- a. actual, compensatory, and statutory damages;
  - b. punitive damages as allowed by law;
  - c. prejudgment and post-judgment interest;
  - d. an award of taxable costs; and
  - e. any and all such further relief as this Court deems just and proper.

Respectfully submitted,

**REES LAW FIRM**

/s/ Cody Rees  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed with the Court and served on counsel of record via the Court's mandated electronic filing system—ECF—on July 24, 2018.

/s/ Cody Rees  
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Cody Rees